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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,988	12/19/2000	Stefania Castellani	D/A0607	2712

7590 10/07/2004

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EXAMINER	
STIMPAK, JOHNNA	
ART UNIT	PAPER NUMBER

3623

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,988

Applicant(s)

CASTELLANI ET AL.

Examiner

Johnna R Stimpak

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WJ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Oct. 15, 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a first office action upon examination of application number 09/738,988. Claims 1-11 are pending and have been examined on the merits discussed below.

Claim Objections

2. Claims 1, 9 and 11 are objected to because of the following informalities: Currently each limitation is followed by a comma but should be followed by a semicolon. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. **Claims 1-11** are rejected under 35 U.S.C. 102(a and e) as being anticipated by Clary et al, US 6,144,371.

As per **claim 1**, Clary et al teaches (a) expressing a first scheduling decision by manual modification in a scheduling board within a first of the workplaces (column 7, lines 10-40 – recording unit records data stream representing handwritten text; column 9, lines 44-67 – user enters scheduling data), (b) recording the first scheduling decision and creating first scheduling decision data which represent the first scheduling decision in a computer-readable form (column 7, lines 10-40 – recording unit records data stream representing handwritten text; column 9, lines 44-67 – user enters scheduling data), (c) transferring the first scheduling decision data via the computer network to the shared negotiation facility (column 10, lines 24-56 – text is transferred to a computer network or service to upload new, modified and/or changed scheduling information), (d) negotiating the task within the negotiation facility by combining the first scheduling decision data with second scheduling decision data received from at least a second of the workplaces and creating negotiation result data which represent results of negotiating the task (column 10, lines 24-56 – external scheduling requests are synchronized for assembly of a rectified schedule, conflict resolution schemes are used between schedules), and (e) transferring the negotiation result data to at least the first workplace (column 10, lines 43-56 – scheduled task is added to schedule).

As per **claim 2**, Clary et al teaches expressing the scheduling decision comprises drawing a schedule and a control mark representing the scheduling decision on a manual board and wherein the scheduling decision data are created as a digitized photograph of the manual board (column 4, lines 53-65, column 5, lines 25-67 – a digitizer is used in a recording unit to generate

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and record a data stream representing handwritten text; column 9, lines 55-67 – by marking a time slot with “M” that slot is indicated as reserved).

As per **claim 3**, Clary et al teaches the results of the negotiation step are visualized by a projector that projects different colored lights onto the schedule drawn on the manual board (column 12, lines 6-12 – an LED light on the recording unit (unit on which the scheduling information is input) is be used to indicated a scheduling conflict, see Fig 3, ref. 112, also Fig 1, ref 110 (indicator light)).

As per **claim 4**, Clary et al teaches the scheduling board is a large screen display (column 4, lines 39-52 – the recording unit (which records the handwritten text and digitizes it) includes a working surface with a markable surface superimposed on the working surface; the unit can have any desired orientation and/or size – inherently this includes a large screen display).

As per **claim 5**, Clary et al teaches the results of the negotiation are visualized by the large screen display (column 10, lines 44-56 – the final schedule is added to the recording unit (screen on which scheduling data was written, digitized and transmitted to a computer) upon next connection to the computer network).

As per **claim 6**, the limitation “wherein said workplace is a printshop” is considered non-functional descriptive language and is not given patentable weight. Clary et al teaches scheduling tasks and the system of Clary et al could be used to schedule jobs in a printshop.

As per **claim 7**, the limitation “teaches the task is a print job” is considered non-functional descriptive language is not given patentable weight. Clary et al teaches scheduling tasks and the system of Clary et al could be used to schedule a task such as print jobs.

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As per **claim 8**, Clary et al teaches scheduling tasks but does not teach the first scheduling decision comprises a request for one of insource work and outsource work. This limitation is considered non-functional descriptive language since the type of task being scheduled has no bearing on the functionality of the system. The Clary et al reference could be used to schedule any task.

As per **claim 9**, Clary et al teaches expressing a second scheduling decision by manual modification in the scheduling board within the first of the workplaces (column 10, lines 43-56 – a plurality of users, operating with respective recording units are able to schedule tasks), recording the second scheduling decision and creating second scheduling decision data which represent the second scheduling decision in a computer-readable form (column 7, lines 10-40 – recording unit records data stream representing handwritten text; column 9, lines 44-67 – user enters scheduling data; column 10, lines 24-56 – text is transferred to a computer network or service to upload new, modified and/or changed scheduling information) and identifying no control mark in the second scheduling decision; the identifying inhibiting transfer the second scheduling decision data via the computer network to the shared negotiation facility (column 9, lines 55-67 – by marking a time slot with “M” that slot is indicated as reserved – inherently a schedule block with no control mark indicates an open time slot therefore no scheduling information is available to transfer to the network for negotiation).

As per **claim 10**, Clary et al teaches the first scheduling decision data is transferred via the computer network to the shared negotiation facility only if it contains a control mark (column 9, lines 55-67 – by marking a time slot with “M” that slot is indicated as reserved – inherently a

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schedule block with no control mark indicates an open time slot therefore no scheduling information is available to transfer to the network for negotiation).

As per **claim 11**, Clary et al teaches the apparatus for the scheduling method performed in claim 1, therefore the same rejection as applied to claim 1 also applies to claim 11.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takahashi, Hideki et al, US 5,329,444 – work management system employing electronic board

Norwood, Donald – US RE34476 – hybrid information management system for handwriting and text

Ouchi, Tomonori et al – US 4,853,495 – electronic blackboard and electronic blackboard system

Lobiondo, Martin – US 5,287,194 – distributed printing

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R Stimpak whose telephone number is 703-305-4566.

The examiner can normally be reached on M-F 8am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

9/29/2004



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